

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

COREY JEMELL ROGERS, )  
Plaintiff, )  
v. )  
STEVEN BROUK, et al., )  
Defendants, )  
No. 4:16-CV-1088 SNLJ

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for a temporary restraining order and motion to waive the partial initial filing fee. The motions are denied.

Plaintiff brought this action under 42 U.S.C. § 1983 alleging that he was assaulted by three correctional officers at the Potosi Correctional Center. He seeks an order directing the Missouri Department of Corrections to move him to a different housing unit because defendants continue to work there. He does not allege that he has been subjected to repeated abuse or harassment. He says he is suffering “emotional pain.”

To determine whether preliminary injunctive relief is warranted, the Court must balance threat of irreparable harm to movant, the potential harm to nonmoving party should injunction issue, the likelihood of success on merits, and the public interest. *Dataphase Sys. v. CL Sys.*, 640 F.2d 109, 113-14 (8th Cir. 1981) (en banc). Plaintiff has not demonstrated a threat of irreparable harm, and the other factors caution against issuing a temporary restraining order. Therefore, the motion is denied.

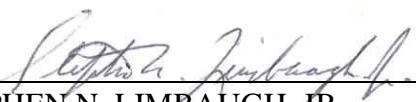
Plaintiff also seeks waiver of the partial initial filing fee, which the Court assessed to be \$1.00. Plaintiff's inmate account statement shows that he receives \$7.50 per month from the

Department of Corrections. He can afford to pay the initial fee. As a result, the motion is denied.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's request for a temporary restraining order [ECF No. 10] and motion to waive the partial initial filing fee [ECF No. 9] are **DENIED**.

Dated this 19<sup>th</sup> day of August, 2016.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE